

Interview Summary

Interview Date: 22 March 2005

Participants: Gregory J. Vaughn (Examiner) and Steven M. Colby (Attorney of Record, Reg. No. 50,250)

Regarding Claim 1:

The Examiner stated that he believed that “a plurality of slots” could be read as including a single slot. The Applicants’ representative objected to this interpretation and pointed out that the term “plurality” required that there be two or more slots. Further, the Applicants’ representative pointed out that two or more slots were not taught in the cited art. The Examiner agreed to consider this distinction.

The Examiner agreed that “(d) receiving a placement of the selected object” was “different” than the cited art, but expressed an opinion that the term “receiving” was “unclear.” The Applicants’ representative agreed that the above claim language was distinguished from the prior art, but disagreed with the opinion that the term “receiving” was unclear. The Applicants’ representative pointed out that the term “receiving” has a common meaning that is well supported in the specification as filed.

Regarding Claim 2:

The Applicants’ representative pointed out that saving a shopping cart did not teach saving of constraints as suggested by the Examiner. The Applicants’ representative cited differences between constraints and items included in a shopping cart. Specifically, the Applicants’ representative pointed out that constraints were characterized as rules regarding what can be placed where and something that can be violated. The Applicants’ representative cited pg 10 of the specification as filed as an example of support for this position.

Regarding Claims 9 and 11:

The Applicants’ representative pointed out that it was improper to characterize an implied user of the system of the prior art as teaching an element of the claimed invention. Specifically, the Examiner had cited “user input” entered by an implied human user as a teaching of the “user intelligence” recited in claim 9. Further, the

Applicants' representative pointed out various features of "the user intelligence" specified in Claims 9 and 11 are not features of a human user. For example, a human user does not include anything for "implementing the set of constraints" as recited in Claim 9, or "an implementor for implementing the forward-looking rules..." as recited in Claim 11. The Examiner agreed that these were pertinent arguments and agreed to discuss them with his supervising examiner.

Regarding Claim 23:

The Applicants' representative pointed out that the art cited by the Examiner did not represent a "physical layout" as had been suggested by the Examiner. The Examiner stated that his current rejection was unjustified, but voiced an opinion that the term "physical layout" was vague. The Applicants' representative traversed this opinion and stated that the term "physical layout" had a clear common meaning that was supported by, at least, page 5 of the specification as filed. The Examiner stated that he would have to look into the matter further.

The Applicants' representative pointed out that the discussion regarding Claim 23 also applies to Claims 24 and 28.

Other claims were not discussed due to time constraints.